

United States District Court

Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.
PLAINTIFF

v.

TYSON FOODS, INC. et al.
DEFENDANTS AND THIRD-PARTY PLAINTIFFS

THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.
THIRD PARTY DEFENDANTS

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Ivan Marion individually**
Rt 2 Box 268A,
Lincoln AR 72744

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY	DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:	
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6 th Street Tulsa, OK 74119-1010	A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc. R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc.	Robert P. Redemann Lawrence W. Zeringue David C. Senger Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc. George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13 th Street Tulsa, OK 74119 For George's Inc. John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi

Clerk



(By) DEPUTY CLERK

MAR 15 2006

Date

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the third-party defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ <div style="text-align: center; font-size: small;">Date</div> </div> <div style="width: 60%;"> _____ <div style="text-align: center; font-size: small;">Signature of Server</div> _____ <div style="text-align: center; font-size: small;">Address of Server</div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT NORTHERN District of OKLAHOMA

Case Number: 05-CV-0329-JOE-SAJ

Plaintiff:

STATE OF OKLAHOMA, ex, rel., et al

vs.

Defendant:

**TYSON FOODS, INC. et al DEFENDANTS AND THIRD- PARTY
PLAINTIFFS CITY OF
TAHLEQUAH, et al. THIRD PARTY DEFENDANTS**

For:

JOYCE, PAUL, MCDANIEL

Received by Malan Investigations on the 9th day of August, 2006 at 11:56 pm to be served on **IVAN MARION, RT 2 BOX 268A, LINCOLN, AR 72744**. I, Debra Woodhouse, being duly sworn, depose and say that on the 12th day of August, 2006 at 7:18 PM executed service by delivering a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, THIRD PARTY COMPLAINT, EXHIBITS** in accordance with state statutes in the manner marked below:

☒ **INDIVIDUAL SERVICE:** Served the within-named person.

☐ **SUBSTITUTE SERVICE:** By serving _____ as
_____.

☐ **POSTED SERVICE:** After attempting service on ____/____ at _____ and on ____/____ at _____ to a conspicuous place on the property described herein.

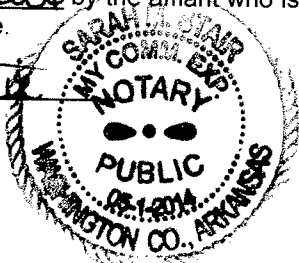
☐ **NON SERVICE:** For the reason detailed in the Comments below.

COMMENTS:

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 15th day
of August, 2006 by the affiant who is
personally known to me.

Sarah M. Stone
NOTARY PUBLIC



Debra Woodhouse

Debra Woodhouse
PROCESS SERVER # WPS/BPS 2001-3
Appointed in accordance
with State Statutes

Malan Investigations
P.O. Box 50455
Tulsa, OK 74150
(918) 636-2359

Our Job Serial Number: 2006000584